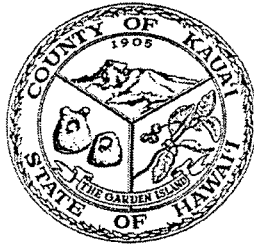


COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
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Council Services Division
4396 Rice Street, Suite 209
Lihue, Kauai, Hawaii 96766

MEMORANDUM

September 3, 2015

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Mel Rapozo, Council Chair *MR*
RE: **SEPTEMBER 2, 2015 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its September 2, 2015 Council Meeting:

CONSENT CALENDAR:

C 2015-231 Communication (08/03/2015) from the County Engineer, transmitting for Council consideration, a Resolution Establishing Truck Restrictions for Nani Street and Leleiona Street, Lihue District, County of Kauai, State of Hawaii. *(Received for the Record.)*

C 2015-232 Communication (08/14/2015) from the Director of Finance and the Accounting Systems Administrator, transmitting for Council information, the Inventory Report for the Fiscal Year Ending, June 30, 2015. *(Received for the Record.)*

C 2015-233 Communication (08/19/2015) from the County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims against the County of Kauai from April 1, 2015 through June 30, 2015. *(Received for the Record.)*

COMMUNICATIONS:

C 2015-223 Communication (07/30/2015) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds in the amount of \$163,000, and approval to indemnify the State of Hawaii, Department of the Attorney General, for the Sex Assault Prosecution Unit, for the period of January 1, 2016 through December 31, 2016, to create a Sex Assault Prosecution Unit, which will consist of a 0.90 Full Time Equivalent (FTE) Special Prosecuting Attorney and 1.00 FTE Legal Clerk, as well as training, an increase in the contract with the YWCA Sexual Assault Treatment Program, supplies, and equipment. *(Approved.)*

C 2015-226 Communication (08/03/2015) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds in the amount of \$95,535, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for Ke 'Ahi Pio'ole, also known as the Cold Case Unit, for the period of January 1, 2016 to December 31, 2016, to continue the work involved in solving the island's cold cases. The funding will be utilized for consultants, overtime for Kaua'i Police Department Detectives and the Office of the Prosecuting Attorney's Special Investigators, training, travel for interviews, DNA submission, digital photographs and/or transcripts, and office supplies. ***(Approved.)***

C 2015-227 Communication (08/11/2015) from Councilmember Kualii, requesting agenda time to discuss and approve for inclusion in the 2016 County of Kaua'i and Hawai'i State Association of Counties (HSAC) Legislative Packages, a proposed amendment to Section 387-2, Hawai'i Revised Statutes (HRS), that would increase Hawai'i's statewide minimum wage to \$15.00, effective January 1, 2019. ***(Motion to Approve Failed, Received for the Record.)***

C 2015-228 Communication (08/11/2015) from Councilmember Kualii, requesting agenda time to discuss and approve for inclusion in the 2016 County of Kaua'i and Hawai'i State Association of Counties (HSAC) Legislative Packages, a proposed new Chapter to the Hawai'i Revised Statutes (HRS) entitled "Paid Sick Leave," which would require many employers to provide a minimum amount of paid sick leave to employees to care for themselves or a family member who is ill, needs medical care, or is the victim of domestic violence, sexual assault, or stalking. ***(Motion to Approve Failed, Received for the Record.)***

C 2015-234 Communication (08/05/2015) from the Executive on Aging, requesting Council approval to receive and expend additional grant funding in the amount of \$3,000, from the Corporation for National and Community Service for the budget period, April 1, 2015 to March 31, 2016 to be used for long distance travel for two (2) Project Staff to attend training to carry out the national service program as authorized by the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C., Chapter 22). This grant amendment will increase the total amount awarded for the Kaua'i Retired and Senior Volunteer Program (RSVP) to \$65,847. ***(Approved.)***

C 2015-235 Communication (08/24/2015) from Council Chair Rapozo, requesting agenda time to discuss and approve for inclusion in the 2016 County of Kaua'i and Hawai'i State Association of Counties (HSAC) Legislative Packages, a proposed Bill to clarify the counties' zoning authority by distinguishing Single-Family residential use from Single-Family vacation rental use and allow amortization by ordinance for Single-Family Transient Vacation Rentals over a reasonable period. ***(Approved.)***

C 2015-236 Communication (08/27/2015) from the County Attorney, requesting authorization to expend funds up to \$50,000 to retain Special Counsel to represent Irvin Magayanes in State of Hawai'i vs. Irvin Magayanes, Criminal Number CR15-1-0267 (Fifth Circuit Court), and related matters; reimburse De Costa, Hempey, Meyers LLC for all expenses for representation thus provided; and related matters. ***(Approved.)***

C 2015-237 Communication (08/27/2015) from Council Chair Rapozo, requesting the presence of the Prosecuting Attorney, to provide a briefing on the Ke 'Ahi Pio'ole Cold Case Unit and an update on the cases outlined in the Fiscal Year 2014 Edward J. Byrne Memorial Justice Assistance Grant (JAG). ***(Received for the Record.)***

LEGAL DOCUMENT:

C 2015-238 Communication (08/19/2015) from the County Engineer, recommending Council approval of a Right-of-Entry Agreement between the County of Kaua'i and the Association of Apartment Owners of Pono Kai ("Pono Kai"), for a temporary detour path for shared use path users located within TMK (4) 4-5-007:002, for repairs to the seawall fronting Pono Kai as the construction work area will extend into the adjacent shared use path.

- Right-of-Entry Agreement
(Approved.)

CLAIMS:

C 2015-239 Communication (08/14/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Victorino Nunez, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2015-240 Communication (08/20/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Susan J. Blaylock, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

Resolution No. 2015-52 – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO TERM LIMITS FOR COUNCILMEMBERS ***(Motion to Approve Failed, Received for the Record.)***

Resolution No. 2015-56 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION *(Roy K. Ho – Labor)* ***(Approved.)***

Resolution No. 2015-58 – RESOLUTION ESTABLISHING TRUCK RESTRICTIONS FOR NANI STREET AND LELEIONA STREET, LIHU'E DISTRICT, COUNTY OF KAUAI, STATE OF HAWAII ***(Approved.)***

BILLS FOR SECOND READING:

Bill No. 2459 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE *(Special Standards For Issuance Of Farm Worker Housing Use Permits)* ***(Approved as Amended.)***

Bill No. 2591 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND SEWER FUND (*Kauai Lagoons Resort Wastewater Treatment Capacity Assessment Refund - \$758,550*) (**Approved.**)

Bill No. 2592 – A BILL FOR AN ORDINANCE TO AMEND SECTION 2, ORDINANCE NO. 891 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC IMPROVEMENTS AND REFUNDING CERTAIN BONDS OF THE COUNTY; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC (**Approved.**)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)
KCT CCs (*Via E-mail*)
Council Services Staff (*Via E-mail*)